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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,044	02/25/2004	Hiraku Kayama	YAMA:066	4413

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EXAMINER

RUSSELL, CHRISTINA MARIE

ART UNIT PAPER NUMBER

2837

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,044

Applicant(s)

KAYAMA, HIRAKU

Examiner

Christina Russell

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) 2-6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The amendment to the specification spanning pages 14 and 15 is accepted.

Drawings

The objection made to Figure 9 is withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 8, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by the US patent to Nakata et al. (5,085,116).

1. In terms of claim 1, Nakata et al. teaches of a score data displaying and editing apparatus with a storage section which stores specific pitch and period, or phrase, data, along with additional note data, such as a graphical representation of a keyboard, a staff, clef symbols, measure numbers and note intervals, and further displays this data using a pictorial figure, such as a bar, or other symbols (see Fig 4, column 1, lines 46-

50 and 52-55, column 1, line 58 – column 2, line 34, and column 4, lines 20-35 and 55-64).

2. In terms of claims 7 and 8, Nakata et al. again teaches of a score data displaying and editing apparatus with a storage section which stores specific pitch and period, or phrase, data, along with additional note data, such as those mentioned above in claim 1, and further displays this data using a pictorial figure, such as a bar, or other symbols. Nakata also teaches of time data, that is displayed on a coordinate plane where one axis is designated for pitch and the other for time, and the starting and ending points of a note phrase is indicate by a pictorial figure, such as a bar (see Fig 4 and 8, column 1, lines 46-50 and 52-55, column 1, line 58 – column 2, line 34, and column 4, lines 15-35 and 55-64).

3. In terms of claims 12 and 13, Nakata et al. again teaches the claimed elements of claims 1 and 7, including the elements being performed by a program executed by a CPU (see Fig 4, column 1, lines 46-50 and 52-55, column 1, line 58 – column 2, line 34, column 3, lines 42-45 and 51-57, and column 4, lines 20-35 and 55-64).

Allowable Subject Matter

4. Claims 2-6, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 1/11/2006 have been fully considered but they are not persuasive.
6. Independent claims 1, 7, 12 and 13 do not specifically claim what the "additional attribute data" refers to until later claims, therefore the storage and display of a staff, clef sign, measure numbers and specific start and stop times within the score in the invention of Nakata et al. are relative to the fundamental attribute and note data.
7. However the rejections for claims 2-6 and 9-11 have been withdrawn considering Nakata et al.'s lack of teachings based on the claimed elements. Nakata et al. does not teach the additional attribute data displayed as legato intensity, vibrato intensity, etc. and does not teach said data being displayed using symbols or pictorial figures.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
01/24/2006



MARLON T. FLETCHER
PRIMARY EXAMINER